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# *The Commonwealth of Massachusetts*

## *Department of Public Safety*

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### Minutes

**Board of Elevator Regulations**  
**One Ashburton Place, 21<sup>st</sup> Floor**  
**January 7, 2016 - 1:00PM**

#### **Board Members Present:**

Edward Sandell, Chairman  
David Gaudet, Member  
Cheri Davis, Member  
David Morgan, Member  
John O'Donoghue, Member  
Tom Riley, Member

#### **Board Members Absent:**

Michael Nicoloro, Member  
Harold McGonagle, Member

#### **Guests Present:**

Bob Macnamara (Atlas Commercial Realty)  
Michael Walsh (United Elevator)  
Suzanne Walsh (United Elevator)  
Brian Laroche (Potomac Capital)  
Don Contois (RW Sullivan)  
Sam Laudati (Otis Elevator)  
Stephen Fox (MBA)  
Thomas O'Brien (United Elevator)  
Donald Partington (United Elevator)  
David Keeney (Kone Elevator)  
Daniel Sullivan (Winn Companies)  
Ethan J. Clough (DPS)

1. The Board of Elevator Regulations ("Board") tabled the Meeting Minutes from December 15, 2015. A motion was put forth by David Gaudet to table these minutes. The motion was seconded by David Morgan. **Vote: 6-0; Granted**

#### **The Board discussed the following:**

2. 138 Tremont Street – Boston, MA  
(1-P-14461)

**Owner: The Cathedral Church of St Paul**

**Petitioner: Brian Laroche**

The petitioners came before the Board requesting relief from an Inspector's Report dated October 5, 2015. The Inspector cited "524 CMR 35.00 2.1(8) – Machine Ventilation". The petitioner stated that this unit does not require a shaft enclosure because it does not connect more than two stories. The Board found that the hoistway construction satisfies building code. A motion was put forth by Dave Morgan to abate the Hoistway Issues cited on the Inspector's Report and to place the Machine Room ventilation issues on hold for 30 days until the petitioner submits a stamped letter from a Licensed Engineer. The motion was seconded by Tom Riley.

**Motion by:** Dave Morgan

**Seconded by:** Tom Riley

**Vote:** 5-0; Placed on Hold; Davis Abstained.

**3. 201 Newbury Street – Boston, MA  
524 CMR 35.00 XX 2000.10a (1-W-10306)**

**Owner:** First Realty Management Corp

**Petitioner:** Bob Macnamara

The petitioner requested a variance to allow the use of a key switch for on the wheelchair lift located at 201 Newbury Street in Boston. The elevator is a 3-stop wheelchair lift. The wheelchair lift is not to be operated by key switches per 524 CMR 35.00 Part XX 2000.10a. The key mechanism that is installed in the unit is for security purposes only. A motion was put forth by Dave Morgan to place this variance on hold until the petitioner goes before the Architectural Access Board for clarification. The motion was seconded by John O'Donoghue.

**Motion by:** David Morgan

**Seconded by:** John O'Donoghue

**Vote:** 6-0; Placed on Hold

**4. Manufacturer: Hollister Whitney Product Variance**

**Product Name:** MRL

**Petitioner:** United Elevator

**(ASME A17.1-2004 § 2.7.6) (524 CMR 35.00 § 2.7.2.2)**

The petitioners came before the Board seeking approval of the Hollister Whitney MRL. The petitioners are seeking a variance from ASME A17.1-2004 § 2.7.6 "Location of Machine Rooms and Control Rooms" and 524 CMR 35.00 § 2.7.2.2 "Maintenance Clearance". The elevator machine room is located in the hoistway. The Machine and governor are located in the overhead space and will not comply with the 18-inch and 6-inch clearance. Also, the governor has a remote set. A motion was put forth by Cheri Davis to grant the product variance for 1 installation only until the unit receives final approval from the Board by way of a site visit. The motion was seconded by David Gaudet.

**Motion by:** Cheri Davis

**Seconded by:** David Gaudet

**Vote:** 6-0, Granted

**5. 808 Memorial Drive – Cambridge, MA  
524 CMR 17.03(1) (49-P-937)**

**Owner:** Memorial Drive Housing L.P

**Petitioner:** Daniel Sullivan

The petitioners came before the Board seeking relief from an Inspector's Report dated April 23, 2014. The inspector cited 524 CMR 17.03 "No Vent Top of Hoistway". The petitioners stated that this hoistway has been in existence without venting for over 36 years. There have been no alterations to the hoistway since original construction that would justify the hoistway to be upgraded to comply with current code requirements. The petitioners provided drawings and photographs showing the physical, logistical, and monetary hardship that would arise if the installation of new hoistway venting was enforced. A motion was put forth by John O'Donoghue to grant relief from 524 CMR 17.03 due to the existing condition of the building. If the building was changed it would degrade or compromise the structure of the building. The motion was seconded by David Morgan

**Motion by:** John O'Donoghue

**Seconded by:** David Morgan

**Vote:** 6-0, Granted

**6. Code Review**

The Board postponed the Code Review until the next meeting.

**Matters Not Reasonably Anticipated 48 Hours in Advance of Meeting**

**Exhibit List:**

Exhibit 1: Meeting Minutes from December 15, 2015

Exhibit 2: Variance Petition – 138 Tremont Road – Boston, MA

Exhibit 3: Variance Petition – 201 Newbury Street – Boston, MA

Exhibit 4: Variance Petition – Hollister Whitney Product Variance – Boston, MA

Exhibit 5: Variance Petition – 808 Memorial Drive – Cambridge, MA

Motion to Adjourn by David Gaudet, seconded by Cheri Davis. Hearing concluded at 4:00 p.m.

Prepared by: Ethan J. Clough